(67)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ.
HON'BLE SHRI D.R. DESHMUKH, J.

Writ Petition No.1408 OF 2000

Petitioner : S. Mohana Murali, S/o. S. Raja Rao, C/o. B. Viswanadham, Rly. Qr. No.1431/A, Wireless Colony, Bilaspur (M.P.)

Versus

Respondents

1. The Union of India, through General Manager, South Eastern Railway, Garden Reach, Calcutta – 43.
2. The Divisional Railway Manager, South Eastern Railway, Bilaspur (M.P.)
3. The Senior Divisional Personnel Officer, South Eastern Railway, Bilaspur (M.P.)
4. The Chief Personnel Officer, South Eastern Railway, Garden Reach, Calcutta – 43.

Petition under Article 226/227 of the Constitution of India.

Present : Shri Panakaj Agrawal, counsel for the petitioner
Shri K.M. Ansari, counsel for the respondents.

ORAL ORDER
(Passed on 30th April, 2007)

The following oral order of the Court was passed by **H.L. Dattu, C.J:**

In this petition filed under Article 227 of the Constitution of India, the petitioner calls in question the order passed by the Central Administrative Tribunal (for short, "the Tribunal") in O.A. No. 880/1998. By the impugned order, the Tribunal has rejected the application filed by the petitioner.

2. The petitioner was one of the applicants to the advertised posts. He was called for the interview, but, not selected in the interview process. Aggrieved by the action of the employer in non-selecting to the advertised posts, he was before the Tribunal. The Tribunal has stated that the petitioner has no right to question his non-selection before it, merely because he had participated in the interview process. At the time of hearing of this petition, learned counsel for the petitioner

contends that the petitioner was justified in approaching the Tribunal against his non-selection, in view of Section 3(q) of the Administrative Tribunal's Act 1985 (for short, "the Act") and therefore, first and foremost the application filed by the petitioner was maintainable before the Tribunal and if for any reason, the petitioner is aggrieved by the order passed by the Tribunal, he could maintain a writ petition before this Court. On merits learned counsel would contend that the Tribunal was not justified in rejecting the writ petition only on the ground that the petitioner has no right to question his non selection by the respondents.

3. It is now well settled by a series of decision of the Supreme Court that the empanelment of the candidates in the select list confers no right on the candidates to appointment on account of being so empanelled. At the best, it is a condition of eligibility for the purpose of appointment and by itself does not amount to selection nor does it create a vested right to be appointed unless the service rules provide to the contrary. As there is no right to the post till selection is finalized, it is within the power of the respondents to re-advertise for the remaining posts.

4. In the present case, it is the allegation of the petitioner that though he has done well in the interview, he is not selected by the selection committee. Except making this bald allegation, the petitioner does not find fault with the selection process conducted by the selection committee. Keeping in view all these aspects, the Tribunal, in our opinion, has rightly rejected the application filed by the petitioner. We do not see any error in the findings and conclusion reached by the Tribunal. Therefore, interference with the said order is not called for. Accordingly, petition requires to be rejected and it is rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge